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NOTICE OF ALLOWANCE AND FEE(S) DUE

26192

7590

12/28/2010

FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022 EXAMINER

BRANDENBURG, WILLIAM A

ART UNIT PAPER NUMBER

3622

DATE MAILED: 12/28/2010

	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
Ī	10/748,681	12/31/2003	Ross Koningstein	16113-0639001	1968

TITLE OF INVENTION: SYSTEM AND METHOD FOR ENABLING AN ADVERTISEMENT TO FOLLOW THE USER TO ADDITIONAL WEB

PAGES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/28/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

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CURRENT CORRESPOND	ENCE ADDRESS (Note: Use Bl	ock 1 for any change of address)	Fee(s) Transmittal. This	certif	icate cannot be used for	r domestic mailings of to or any other accompanyint or formal drawing, mu
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nonprovisional	NO	\$1510	\$300	\$0		\$1810	03/28/2011
EXAM	INER	ART UNIT	CLASS-SUBCLASS				
BRANDENBUR	G, WILLIAM A	3622	705-014000				
"Fee Address" ind PTO/SB/47; Rev 03-0 Number is required. 3. ASSIGNEE NAME A	ND RESIDENCE DATA	' Indication form ed. Use of a Customer A TO BE PRINTED ON '	(1) the names of up to or agents OR, alternativ (2) the name of a single registered attorney or a 2 registered patent attool listed, no name will be THE PATENT (print or type data will appear on the page of the	rely, e firm (having as a regent) and the name rely or agents. If no printed.	memb s of u o nam	er a 2 p to e is 3	aumant has been filed t
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
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FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			BRANDENBURG, WILLIAM A			
			ART UNIT	PAPER NUMBER		
			3622			
			DATE MAILED: 12/28/2010			

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1071 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1071 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)					
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Notice of Allowability	10/748,681	KONINGSTEIN, ROSS Art Unit					
Notice of Anowability	Examiner	Art offit					
	WILLIAM A. BRANDENBURG	3622					
The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this ap or other appropriate communicatio GHTS. This application is subject to	plication. If not included n will be mailed in due course. THIS					
1. This communication is responsive to <u>09/14/2010</u> .							
2. The allowed claim(s) is/are 1-17 and 35-55.							
 Acknowledgment is made of a claim for foreign priority una) All b) Some* c) None of the: Certified copies of the priority documents have Certified copies of the priority documents have Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received:	been received. been received in Application No						
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	IENT of this application.						
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give							
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.						
(a) ☐ including changes required by the Notice of Draftspers	on's Patent Drawing Review (PTO	-948) attached					
1) 🔲 hereto or 2) 🔲 to Paper No./Mail Date							
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date						
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the							
6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT							
Attachment(s)							
1. Notice of References Cited (PTO-892)	5. Notice of Informal I	• •					
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. ☐ Interview Summary Paper No./Mail Da						
3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date	7. 🔲 Examiner's Amend	ment/Comment					
Examiner's Comment Regarding Requirement for Deposit of Biological Material		ent of Reasons for Allowance					
Inha Wan Danasa	9.						
John Van Bramer /John Van Bramer/							
Primary Examiner, Art Unit 3622							

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DETAILED ACTION

Response to Amendment

The amendment filed on 09/14/2010 is sufficient to overcome the previously applied rejection of claims 1, 35 and 52-53 over the reference of Petropoulos et al. (US 2003/0146939 A1).

Claim Objections

2. The amendment filed on 09/14/2010, has corrected the claim objections identified in the Office Action dated 07/22/2010. Thus, the Examiner hereby withdraws the claim objections of claims 1, 35 and 52-53 that were raised in the Office Action dated 07/22/2010.

Claim Rejections - 35 USC § 112

3. The amendment filed on 09/14/2010, has corrected the 35 U.S.C. 112 deficiencies identified in the Office Action dated 07/22/2010. Thus, the Examiner hereby withdraws the 35 U.S.C. 112 second paragraph rejections of claims 1, 35 and 53 that were raised in the Office Action dated 07/22/2010.

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Allowable Subject Matter

4. Independent claims 1, 35 and 52-53 are allowed, and therefore the respective dependent claims 2-17, 36-51 and 54-55 are also allowed.

Examiner's Statement of Reasons for Allowance

- 5. The following is an examiner's statement of reasons for allowance of independent claims 1, 35 and 52-53 over the applied reference of Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos):
 - (1) The applied reference of Petropoulos teaches displaying preview information associated with each item on a list of search results. The preview information is a "preview window" containing some relevant preview information, such as a readable size image of the actual page or document associated with an item in the results lists. Petropoulos further teaches a dedicated preview icon that functions as a menu for controlling previewing or that the icon can transform into such a menu ([0010], Fig. 1, "53,55,63/64").

While considering the limitations of the instant invention, the Examiner understands the claimed limitations to have the following equivalencies:

compact format: search result, Fig. 1, "53" expansion icon: preview icon, Fig. 1, "63/64" expanded format: preview window, Fig. 1, "55"

Based on this understanding, it is clear that the electronic advertisement is in two formats. Furthermore, it is clear that upon interaction with the disclosed preview icon, code is enacted to then display the compact format in an expanded format. Furthermore, the Examiner notes the advertisement in Petropoulos (e.g. a particular website advertised via a search result URL responsive to a search query) is delivered to the client machine in a compact format (i.e. search result) as well as code that has been delivered to transition the compact format into the expanded format (i.e. preview window) ([0020-62]). Petropoulos further teaches functional attributes of the preview window (i.e. expanded format) including enabling a hyperlink so that a mouseover or a click on a link within a previewed page is active and results in a call to the referenced page. ([0042])

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However, Petropoulos is silent to the newly amended limitations of "including the electronic advertisement in the second electronic document, where the electronic advertisement is included in less than an entire portion of the second electronic document. (emphasis added)

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While the Examiner contends Petropoulos clearly shows the claimed compact format, expanded format, expansion icon as well as the menu options/hyperlinks included in the expanded format (i.e. preview window), the implementation of the instant invention that upon a user selection of a menu option in the expanded format for displaying, in a second document, content referenced by the selected menu option, and including the expanded format advertisement in less than an entire portion of the second document is neither disclosed in Petropoulos, nor would it have been obvious to implement as such at the time the invention was made.

6. The following is an examiner's statement of reasons for allowance of independent claims 1, 35 and 52-53 over the pertinent art reference of Undasan (US 7,490,288 B2) (hereinafter Undasan):

(1) Based on further search and consideration for newly amended claims 1, 35 and 52-53, the Examiner cites the prior art reference Undasan (US 7,490,288 B2) as pertinent art. The Examiner notes Undasan has not been applied to claims 1, 35 and 52-53 in any previous prior art rejection. Undasan teaches delivering a first electronic document (Fig. 2, "202") containing a hyperlink (Fig. 2, "204"). Upon a user mousing over the hyperlink, a first preview window (Fig. 2, "206") of the document referred to by the hyperlink is displayed to the user. This preview window can also contain hyperlink (Fig. 2, "208") which upon the user mousing over the hyperlink, a second preview document window (Fig. 2, "212") referred to by the hyperlink is displayed to the user, whilst retaining the display of the first preview window document ([0008-16], [0036-38]).

While the Examiner contends Undasan clearly teaches the functionality of displaying referenced content in a second electronic document (Fig. 2, "212") (i.e. via an advertisement hyperlink URL) whilst retaining the advertisement hyperlink URL (Fig. 2, "208") in view of the user with the referenced content, the implementation of the instant invention (i.e. "including the electronic advertisement in the second electronic document, where the electronic advertisement is

included in less than an entire portion of the second electronic document) is neither disclosed by Undasan, nor would it have been obvious to implement as such at the time then invention was made.

- 7. Prior to this issuance of allowance, a mandatory database search was performed. This search resulted in three pertinent references:
 - (1) The first reference was a foreign patent reference (WO/0225561 A2 directed towards a METHOD OF LINKING ADVERTISEMENTS ON THE WORLD WIDE WEB WITH ADVERTISEMENTS IN OTHER MEDIA) (hereinafter Minte). Minte teaches advertisement-specific content pages that include one or more advertisement-specific menu buttons which link the Web user to supplemental content webpages containing information related to the advertisement-specific menu buttons. These supplemental content webpages include information specific to the first advertisement, such as coupons, special offers, purchasing information, etc. ([0044], Fig. 3, Fig. 4).

The Examiner notes that while advertisement-related links, menu buttons, pull down menus, etc. are old and well-known in

an advertising webpage environment, implementing these menu buttons and referencing links in an advertisement in an expanded display format that has been transitioned from a compact display format via an expansion icon, and displaying the referenced content (i.e. supplemental content of Minte) and the expanded format advertisement in a second electronic document, where the advertisement is included in less than an entire portion of the second electronic document is neither disclosed by Minte, nor would it have been obvious to implement as such at the time the invention was made.

(2) The second reference was a Non-Patent Literature document ("NY Times online ad model mimics print", Kate

Maddox. B to B. Chicago: Dec 10, 2001. Vol. 86, Iss. 22; pg.

10, 1 pgs) (hereinafter Maddox). Maddox teaches a program called Surround Session, a new online ad format this is based on sequential advertising. Surround Sessions give advertisers exclusive placement within content areas and follow unique users throughout their session at the site.

The Examiner notes that while sequential advertising is old and well-known in an advertising webpage environment, and while implementing this sequential advertising in a manner

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which follows the user throughout their online activity, thereby garnering more attention from the user, may cover some of the claim limitations and solve some of the problems being addressed by the instant invention, implementing this sequential advertising in a manner such as the instant invention (i.e. in an advertisement in an expanded display format transitioned from a compact display format via an expansion icon, and displaying referenced content and the expanded format advertisement in a second electronic document, where the advertisement is included in less than an entire portion of the second electronic document is neither disclosed by Maddox, nor would it have been obvious to implement as such at the time the invention was made.

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(3) The third reference was a Non-Patent Literature document ("IAB, NAI Change Tactics on Ad Targeting", Mike Shields. Mediaweek. April 15, 2010.) (hereinafter Mediaweek)

The Examiner firstly notes that the priority of this publication fails to precede the priority of the instant invention; however, this reference is cited to further illustrate the patentable features of the instant invention.

Mediaweek teaches running notices alongside banners in the form of text links that enable users to access more

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information on where those ads came from. This is accomplished via a common clickable icon within or near online ads.

Advertisers or publishers can opt to have the icon drive users to separate web pages or to interstitials providing detailed explanations of why given ads have been served.

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The Examiner notes that while clickable icons are old and well-known in an advertising webpage environment and that while the teachings of Mediaweek could satisfy some of the instant limitations (e.g. an advertisement in a compact display format and expansion icon), Maddox neither discloses, nor would it have been obvious to implement as such at the time the invention was made, the allowable features of the instant invention (i.e. an advertisement in an expanded display format containing menu options referencing content transitioned from a compact display format via an expansion icon, and displaying the referenced content and the expanded format advertisement in a second electronic document, where the advertisement is included in less than an entire portion of the second electronic document).

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM A. BRANDENBURG whose telephone number is (571)270-5488. The examiner can normally be reached on Monday-Thursday 6:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. A. B./
Examiner, Art Unit 3622

/John Van Bramer/ John Van Bramer Primary Examiner, Art Unit 3622